

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FRANKLIN D. BYRD,

Plaintiff,

v.

Case No. 1:07-cv-880
Hon. Robert J. Jonker

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER

Plaintiff brings this action pursuant to 42 U.S.C. § 405(g), seeking judicial review of a decision of the Commissioner of the Social Security Administration denying his claim for benefits.

Plaintiff failed to file an initial brief as required by the court's order directing filing of briefs. On February 15, 2008, the court ordered plaintiff to show cause why his suit should not be dismissed for failure to comply with the court's order and for lack of prosecution. *See* W.D. Mich. LCivR 41.1. In a timely response to this order, dated February 24, 2008, plaintiff indicates that he intends to pursue this appeal but has had difficulty retaining an attorney. Under these circumstances, the court finds that plaintiff has shown good cause for failing to prosecute this case in a timely matter.

The clerk's office is directed to file plaintiff's February 24th letter and to serve defendant with a copy of it. Defendant should view this letter as plaintiff's initial brief. Defendant

shall file his brief by **April 1, 2008**. Plaintiff's reply brief, not to exceed five pages, is due **April 11, 2008**.

IT IS SO ORDERED.

Dated: February 28, 2008

/s/ Hugh W. Brenneman, Jr.
HUGH W. BRENNEMAN, JR.
United States Magistrate Judge